

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

In Re:	)	Case No. 23 B 81173
	)	
PAUL ANDREUCCETTI,	)	Chapter 13
	)	
Debtor.	)	Hon. Thomas M. Lynch

**NOTICE OF MOTION OF PERFORMANCE FINANCE  
FOR RELIEF FROM STAY**

VIA ELECTRONIC NOTICE:

To: Lydia Meyer (Trustee)  
PO Box 14127  
Rockford, Illinois 61105

David H. Cutler, Esq. (Debtor's Counsel)  
Cutler & Associates, Ltd.  
4131 Main Street  
Skokie, Illinois 60076

VIA U.S. MAIL:

To: Paul Andreuccetti (Debtor)  
225 East Forest Street  
Marengo, Illinois 60152

Please take notice that on October 17, 2024 at 9:00 a.m., I will appear before the Honorable Thomas M. Lynch, or any judge sitting in that judge's place, **either** in courtroom 3100 of the U.S. Courthouse at 327 South Church Street, Rockford, Illinois, **or** electronically as described below, and present the Motion of Performance Finance for Relief from Stay, a copy of which is attached.

**Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.**

**To appear by Zoom using the internet**, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

**To appear by Zoom using a telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

**Meeting ID and passcode.** The meeting ID for this hearing is **160 291 5226** and the passcode is **852255**. The meeting ID and passcode can also be found on the judge's page on the court's web site.



**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

Respectfully submitted,

PERFORMANCE FINANCE,  
Creditor,

By: /s/ Cari A. Kauffman  
One of its attorneys

David J. Frankel (Ill. #6237097)  
Cari A. Kauffman (Ill. #6301778)  
Sorman & Frankel, Ltd.  
180 North LaSalle Street, Suite 2700  
Chicago, Illinois 60601  
(312) 332-3535 / (312) 332-3545 (facsimile)

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the above-named persons by electronic filing or, as noted above, by placing same in a properly addressed and sealed envelope, postage prepaid, and depositing it in the United States Mail at 180 North LaSalle Street, Chicago, Illinois on September 20, 2024, before the hour of 5:00 p.m.

/s/ Cari A. Kauffman



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PAUL ANDREUCCETTI,	)	Chapter 13
	)	
Debtor.	)	Hon. Thomas M. Lynch

**MOTION OF PERFORMANCE FINANCE  
FOR RELIEF FROM STAY**

PERFORMANCE FINANCE (“Performance”), a creditor herein, by its attorneys, the law firm of Sorman & Frankel, Ltd., respectfully requests this Court, pursuant to Section 362 of the Bankruptcy Code, 11 U.S.C. §362 (West 2024), and such other Sections and Rules may apply, to enter an Order granting relief from the stay provided therein. In support thereof, Performance states as follows:

1. On September 27, 2023, Paul Andreuccetti (“Debtor”) filed a Voluntary Petition for Relief under Chapter 13 of the Bankruptcy Code. On January 23, 2024, Debtor filed an Amended Chapter 13 Plan, which provides for direct post-petition payments from Debtor to Performance on Performance’s secured claim, and which was confirmed on April 5, 2024.

2. Performance is a creditor of the Debtor with respect to a certain indebtedness secured by a lien upon a 2022 Indian Chieftain motorcycle bearing a Vehicle Identification Number of 56KTCEBB6N3408194 (the “Vehicle”). (See Ex. “A”).



3. As set forth in the Retail Installment Contract attached as Exhibit “A”, Debtor was required to tender equal monthly payments to Performance, each in the sum of \$574.34 with an interest rate of 7.59%. (See Ex. “A”).

4. Debtor has failed to make required payments to Performance due on and after May 18, 2024, resulting in a current default of \$2,425.10; the next payment of \$574.34 comes due on October 18, 2024.

5. The current total outstanding balance due to Performance from the Debtor for the Vehicle is \$29,969.50.

6. Debtor has failed to provide Performance or its counsel with proof of a valid full coverage insurance policy for the Vehicle identifying Performance as the lienholder/loss payee.

7. As such, Performance seeks relief from the automatic stay so that Performance may take possession of and sell the Vehicle and apply the sales proceeds to the balance due from Debtor.

8. Debtor has not offered, and Performance is not receiving, adequate protection for its secured interest or depreciating value. Further, Debtor has no equity in the Vehicle and the Vehicle is not necessary to an effective reorganization by Debtor.

9. Performance will suffer irreparable injury, harm, and damage should it be delayed in taking possession of and foreclosing its security interest in the Vehicle.

10. Performance requests that Bankruptcy Rule 4001(a)(3) not apply to any Order granting this Motion.



**WHEREFORE,** Performance Finance respectfully requests that this Court enter an Order, as attached hereto, granting relief from the stay provided by Section 362 of the Bankruptcy Code to permit Performance to pursue its nonbankruptcy remedies with respect to the 2022 Indian Chieftain motorcycle bearing a Vehicle Identification Number of 56KTCEBB6N3408194; and, for such other, further, and different relief as this Court deems just and proper.

Respectfully submitted,

PERFORMANCE FINANCE,  
Creditor,

By: /s/ Cari A. Kauffman  
One of its attorneys

David J. Frankel (Ill. #6237097)  
Cari A. Kauffman (Ill. #6301778)  
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